

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL OLIVER,

Plaintiff,

CASE NO. 20-12711

HON. LAURIE J. MICHELSON

-vs-

CITY OF DETROIT, a municipal
corporation, and DETECTIVE DONALD
BUSSA, in his individual capacity,

Defendants.

DEFENDANTS' EX PARTE MOTION TO EXTEND PAGE LIMITATION

Pursuant to L.R. 7.1(d)(3)(A), Defendants move this Honorable Court to extend the page limitation applicable to their Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment. In support of their motion, Defendants state:

1. Defendants filed their Motion for Summary Judgment (ECF No. 43), which was only 20 pages in length.
2. The Court entered an order permitting Plaintiff to file a response brief of no more than 30 pages. (ECF No. 47).

3. Defendants have prepared a reply to Plaintiff's response, which required a reply to an argument related to an alleged unduly suggestive lineup, which was not pleaded in Plaintiff's complaint.

4. After careful editing, the reply brief totals 14 pages in length.

5. Defense counsel has edited this brief to meet the Court's 7 page limit for reply briefs, but cannot reduce the brief further without losing substantial, relevant and necessary argument.

6. Due to the legally complex and factually detailed nature of the issues presented in Defendants' motion for summary judgment, Defendants require additional pages to effectively present their arguments in a cohesive and comprehensive manner.

7. Accordingly, Defendants respectfully submit that good cause exists to allow Defendants 7 additional pages and request that this Honorable Court allow Defendants to exceed the 7 page limit for the reply brief for the reasons set forth above.

WHEREFORE, Defendants respectfully request that this Court enter an order permitting Defendants to file a reply brief not longer than 14 pages.

Respectfully submitted,

/s/ Patrick M. Cunningham
PATRICK M. CUNNINGHAM (P67643)

DATED: April 27, 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I electronically filed the foregoing with the clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record with the court.

/s/ Patrick M. Cunningham